

NATALIE C. LEHMAN, ESQ.
Nevada Bar No. 12995
FIDELITY NATIONAL LAW GROUP
8363 W. Sunset Road, Suite 120
Las Vegas, Nevada 89113
Telephone: (702) 667-3000
Facsimile: (702) 938-8721
Email: Natalie.Lehman@fnf.com
*Attorney for Plaintiff Fidelity & Guaranty
Life Insurance Company*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

FIDELITY & GUARANTY LIFE
INSURANCE COMPANY, a foreign
corporation,

Plaintiff,

vs.

THE ESTATE OF DAVID P. MCELROY,
deceased; ANGELA G. MCELROY, an
individual; GARRETT D. MCELROY, an
individual; and CARSON R. MCELROY, an
individual; and DOES 1-10,

Defendants.

CASE NO.: 3:22-cv-00151-CLB

**ORDER GRANTING
STIPULATION FOR
DISBURSEMENT OF FUNDS**

Plaintiffs FIDELITY & GUARANTY LIFE INSURANCE COMPANY (“Plaintiff”), by and through its counsel of record, Fidelity National Law Group, and Defendants ANGELA G. MCELROY and GARRETT D. MCELROY (“Defendants”), by and through their counsel of record, Leverty & Associates Law Chtd., hereby stipulate and agrees as follows:

WHEREAS, on March 28, 2022, Plaintiff filed the Complaint for Interpleader naming as defendants, all interested parties/claimants to the \$250,000.00 death benefit for Policy No. 1-001693691 in the name of David P. McElroy, deceased (“Funds”);

WHEREAS, as of September 2, 2022, the Funds have grown to \$256,493.15, which includes 3% interest which has accrued from David P. McElroy’s death (10/21/2021);

WHEREAS, on August 26, 2022, a Default was taken against Defendant Carson R.

1 McElroy for failure to file an answer or otherwise respond to the Complaint;

2 WHEREAS, it has been represented by the remaining Defendants' joint counsel that
3 Defendants are adults who agree regarding distribution of the funds; and

4 WHEREAS, the parties agree that Plaintiff is entitled to retain its attorney fees and costs
5 from the Funds.

6 **NOW WHEREFORE,**

7 **IT IS HEREBY STIPULATED AND AGREED** that Plaintiff will release the Funds in
8 dispute amounting to \$256,493.15 to Defendants.

9 **IT IS HEREBY FURTHER STIPULATED AND AGREED** that Plaintiff will retain
10 its attorney's fees and costs totaling \$6,655.10 from the Funds prior to disbursing the balance to
11 Defendants.

12 **IT IS HEREBY FURTHER STIPULATED AND AGREED** that the total amount to
13 be disbursed from Plaintiff directly to Defendants is \$249,838.05.

14 **IT IS HEREBY FURTHER STIPULATED AND AGREED** that Defendants shall be
15 dismissed from the above-entitled matter, and that this matter should be considered closed.

16 Dated this 9th day of September, 2022.

17 FIDELITY NATIONAL LAW GROUP

18 /s/ Natalie C. Lehman

19 Natalie C. Lehman, Esq.
20 Nevada Bar No. 12995
21 8363 West Sunset Rd., Suite 120
22 Las Vegas, Nevada 89113
23 (702) 667-3003
Natalie.Lehman@fnf.com
Attorneys for Plaintiff

Dated this 9th day of September, 2022.

LEVERTY & ASSOCIATES LAW
CHTD.

/s/ Patrick R. Leverty

Patrick R. Leverty, Esq.
Nevada Bar No. 8840
832 Willow Street
Reno, Nevada 89502
(775) 322-6636
pat@levertylaw.com
Attorneys for Defendants Angela G.
McElroy and Garrett D. McElroy

ORDER

IT IS SO ORDERED.

DATED: September 12, 2022.


UNITED STATES MAGISTRATE JUDGE

Respectfully Submitted By:
FIDELITY NATIONAL LAW GROUP

/s/ Natalie C. Lehman
Natalie C. Lehman, Esq.
Nevada Bar No. 12995
8363 West Sunset Road, Suite 120
Las Vegas, Nevada 89113
Attorneys for Plaintiff